

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

Water Efficiency Regulations for)	
Residential Clothes Washers)	Docket No. 03-AAER-01(RCW)
_____)	

NOTICE:
RE-OPENING OF PROCEEDING,
AVAILABILITY OF DOCUMENTS RELIED UPON,
AVAILABILITY OF 15-DAY LANGUAGE, AND
COMMISSION HEARING TO RE-ADOPT

On February 4, 2004, the Energy Commission adopted water efficiency regulations for residential clothes washers (“RCW”). Shortly thereafter, the Commission closed the RCW rulemaking proceeding and submitted the regulations to the Office of Administrative Law (“OAL”) for approval, pursuant to the California Administrative Procedure Act (“APA”). On March 23, 2004, OAL informally notified the Commission that, in OAL’s opinion, the Commission had failed to comply with section 11347.1 of the APA, which requires public notice of documents upon which agencies adopting regulations rely in proposing regulations; as a result, OAL stated that it intended to disapprove the regulations. OAL also noted several typographical errors in the text of the regulations. In response, and pursuant to section 11349.3(c) of the APA, on March 25, 2004 the Commission withdrew the RCW regulations from OAL in order to correct the deficiencies.

1. **Re-Opening of Proceeding.** This rulemaking proceeding is re-opened.
2. **Availability of Documents Relied Upon.** The Initial Statement of Reasons published on September 19, 2003 lists the following in the “Studies, Reports, and Documents Relied Upon” section:

Martin, R. Michael, & Jim Holland, California Energy Commission Staff
Report: Update of Appliance Efficiency Regulations for Residential Clothes
Washers (September 2003)

Fernstrom, Gary B., Pacific Gas & Electric Company, Analysis of Standards Options for Residential Clothes Washers (September 2003)

The Commission hereby provides notice that in addition to the documents listed above, it also relies upon the following documents containing “technical, theoretical, or empirical stud[ies]” (APA section 11347.1(a)):

Pacific Gas and Electric Company, Residential Clothes Washer Water Factor Standard – Codes and Standards Enhancement Initiative (October 15, 2003)

Natural Resources Defense Council, Comments of the Natural Resources Defense Council (NRDC) on the Appliance Efficiency Regulations Rulemaking for Residential Clothes Washers (October 30, 2003)

Fernstrom, Gary B., Pacific Gas and Electric Company, Comments of PG&E Regarding Proposed Residential Clothes Washer Water Factor Standards (December 2, 2003)

[Commission Staff,] Addendum to the Update of Appliance Efficiency Regulations for Residential Clothes Washers Staff Report, September 2003, Publication #P400-03-021 (December 10, 2003)

Letter from Robert L. Therkelsen, Executive Director, to the Honorable Mike Chrisman, Secretary for Resources (December 16, 2003)

California Urban Water Conservation Council, Projected Water Demand Reductions Derived from CEC Proposed Water Factor Standards (January 21, 2004)

Transcript of February 4, 2004 Commission hearing

The documents listed immediately above were previously included in the rulemaking record of Docket 03-AAER-01(RCW). Each one of the documents, along with all other material in the rulemaking record, is available for public inspection from 8:00 a.m. to 5:00 p.m. in the Commission’s Docket Office, 1516 Ninth Street, Sacramento, California.

3. **Availability of Revised Proposed Regulations (15-Day Language)**. The Commission has published a revised version of the proposed regulations. The only

changes from the original Express Terms that were published on September 19, 2003 are nonsubstantive; they correct typographical errors in Table U of Section 1606(a), and in the Authority and Reference Notes. A copy of the revised proposed regulations is attached to this Notice; it shows changes to the September 19, 2003 Express Terms in underline and strikeout.

4. **Comments on the Documents Relied Upon, on the Revised Proposed Regulations, and on All Other Matters.** The Commission will receive comments on the documents relied upon (see item 2. above), the revised proposed regulations (see item 3. above), and all other matters relevant to this rulemaking proceeding, until the adoption hearing on May 5, 2004 (see item 5. below). Comments must be mailed to:

Docket No. 03-AER-01(RCW)
Docket Office
California Energy Commission
1516 Ninth Street, Mail Station 4
Sacramento, California 95814-5512

In addition to the original, please submit nine copies unless to do would be a hardship. Please put "Docket No. 03-AAER-01(RCW)" in the title of all documents.

5. **Adoption Hearing.** The Commission will hold a hearing to consider adoption of the revised proposed regulations (see item 3. above):

Wednesday, May 19, 2004
Beginning at 10:00 a.m.
California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair Accessible)

March 31, 2004

_____/s/
ARTHUR H. ROSENFELD, Ph. D.
Presiding Member, Efficiency Committee